

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

PENTHOUSE OWNERS ASSOCIATION, INC.

PLAINTIFF

V.

CIVIL ACTION NO.1:07CV568 LTS-RHW

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON

DEFENDANT

**ORDER DENYING AS MOOT DEFENDANT'S MOTION IN LIMINE
TO STRIKE THE TESTIMONY OF R. RALPH SINNO AND RELATED MOTIONS**

The Court has before it the motion [103] *in limine* of Certain Underwriters at Lloyd's, London (Lloyd's) to exclude the testimony of R. Ralph Sinno (Sinno), an expert identified by Plaintiff Penthouse Owners Association, Inc. (Penthouse). Penthouse has filed its own motion [134] to strike Lloyd's, London's reply in support of its motion *in limine* and an alternative motion [136] for leave to file a sur-rebuttal to the Lloyd's motion *in limine*.

In light of my recent ruling [166] concerning the Lloyd's hurricane deductible endorsement, all three of these motions are moot. Sinno's opinions concern the cause of damage to the insured property (wind v. water). The cause of the damage to the insured property (wind v. water) is no longer an issue in this case.

Accordingly, it is hereby

ORDERED

That the motion [103] *in limine* of Certain Underwriters at Lloyd's, London, to exclude the testimony of R. Ralph Sinno is **DENIED AS MOOT**;

That the motions [134] [136] of Penthouse Owners Association, Inc., to strike the reply of Certain Underwriters at Lloyd's, London, or, in the alternative for leave to file a sur-rebuttal to the motion *in limine* is **DENIED AS MOOT**.

SO ORDERED this 26th day of January, 2009.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE